

[COUNSEL LISTED ON NEXT PAGE]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SEAN GUESS, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

US BANCORP; US BANCORP
INVESTMENTS; U.S. BANK N.A.; U.S.
BANK d/b/a U.S. BANK HOME
MORTGAGE; and DOES 1-50,

Defendants.

Case No. C06-07535 – JF

The Honorable Jeremy Fogel

**STIPULATION AND [PROPOSED]
ORDER**

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US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK

1 WHEREAS on July 13, 2007 the Court adopted Plaintiff's proposed briefing schedule, as set
2 forth in the Revised Joint Case Management Statement, filed on July 6, 2007;

3 WHEREAS on February 26, 2008 the Court entered an Order Denying Without Prejudice
4 Plaintiff's Motion for Conditional Class Certification and Court Authorized Notice Pursuant to
5 U.S.C. § 216(b);

6 WHEREAS the schedule currently in place requires Plaintiff to file his motion for class
7 certification on or before March 18, 2008;

8 WHEREAS Plaintiff intends to move again for conditional class certification and Court
9 authorized notice pursuant to 29 U.S.C. §216(b);

10 WHEREAS the parties agree that it would promote the orderly and efficient litigation of this
11 action for the Court to consider the motion for conditional class certification pursuant to 29 U.S.C.
12 §216(b) before considering the motion for class certification pursuant to Fed. R. Civ. P. 23;

13 The parties hereby STIPULATE and agree as follows:

14 Plaintiff will file his renewed motion for conditional class certification and Court authorized
15 notice pursuant to 29 U.S.C. §216(b) on or before April 30, 2008;

16 Defendants will have thirty (30) days to file an opposition;

17 Plaintiff will have fifteen (15) days to file his reply;

18 Plaintiff will file his motion for class certification pursuant to Fed. R. Civ. P. 23 on or before
19 45 days following the hearing on Plaintiff's renewed motion for conditional class certification;

20 Defendants will have forty-five (45) days to file an opposition;

21 Plaintiff will have thirty (30) days to file his reply.
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